

Application No.: 10/037,083

4

Docket No.: 249212014900

REMARKS

Claims 16-29 are pending. Claims 1-15 and 30-40 were withdrawn from consideration. Claims 16-21 stand rejected and claims 22-29 stand objected to. By virtue of this response, claims 1-15, 22, and 30-40 have been cancelled, claims 16, 23, and 24 have been amended, and no new claims have been added. Accordingly, claims 16-21 and 23-29 are currently under consideration. Amendment of certain claims is not to be construed as a dedication or abandonment of any unclaimed subject matter by Applicants, and moreover Applicants have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants explicitly reserve the right to pursue prosecution of any subject matter in continuation and/or divisional applications.

For the Examiner's convenience, Applicants' remarks are presented in the same order in which they were raised in the Office Action.

Claim Objections

Claim 25 is objected under 37 CFR 1.75(a) as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Applicants submit that the amendment to claim 16, e.g., to include features similar to those of claim 22, result in claim 25 now appropriately depending from claim 16. Accordingly, Applicants request the rejection be withdrawn.

Claim Rejections under 35 USC §103

A. Claims 16-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (JP 63-173210 A).

Applicants have amended claim 16 to include limitations similar to those recited by original claim 22 (where claim 22 was indicated by the Examiner to be allowable if rewritten into independent form). In particular, claim 16 now recites "wherein the alignment target comprises a plurality of etched alignment grooves, each of the grooves spaced apart from each other and

pa-998321

Application No.: 10/037,083

5

Docket No.: 249212014900

arranged parallel to a direction of magnetic tape travel." Accordingly, Applicants submit that claim 16, and those claims depending from claim 16, are now all in condition for immediate allowance.

B. Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (JP 63-173210 A) in view of Hollen et al. (U.S. Patent No. 5,708,633).

Claim 17 depends from claim 16 and is allowable over Kawai for at least similar reasons as claim 16 discussed above. Accordingly, Applicants request withdrawal of the rejection and allowance of claim 17.

C. Claims 18-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (JP 63-173210 A) in view of Hugnen et al. (U.S. Patent No. 6,759,081).

Claims 18-21 depend from claim 16 and are allowable over Kawai for at least similar reasons as claim 16 discussed above. Accordingly, Applicants request withdrawal of the rejection and allowance of claims 18-21.

Allowable Subject Matter

Claims 22-29 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter. As indicated herein, claim 16 has been amended to include features similar to those of original claim 16 and Applicants therefore request allowance of claims 16-21 and 23-29.

pa-998321

Application No.: 10/037,083

6

Docket No.: 249212014900

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 249212014900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

Christopher B. Eide

Registration No.: 48,375

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304-1018

(650) 813-5720

pa-998321